

Case No. 5:11-CV-0991
Gwin, J.

Absent objection, a district court may adopt the magistrate judge's report without review.^{7/}

In this case, Cutts has not filed objections to the Report & Recommendation. Moreover, having conducted its own review of the record and the parties' briefs, the Court agrees with the recommendation of Magistrate Judge Burke that the petition should be dismissed.

Accordingly, the Court **ADOPTS** Magistrate Judge Burke's Report and Recommendation and incorporates it fully herein by reference, and **DENIES** Cutts's petition for a writ of habeas corpus. Further, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and no basis exists upon which to issue a certificate of appealability.^{8/}

IT IS SO ORDERED.

Dated: May 17, 2013

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

^{7/}See [Thomas](#), 474 U.S. at 149.

^{8/}[28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).